UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

OLYMPIA MEDICAL CENTER

Employer

and

Case 31-RC-8773

NATIONAL UNION OF HEALTHCARE WORKERS

Petitioner

and

SEIU UNITED HEALTHCARE WORKERS - WEST

Union

ORDER

Union's request for special permission to appeal from the Regional Director's direction of a pre-election hearing is granted, and the appeal is denied on the merits. To the extent that the Regional Director relied on the NLRB Casehandling Manual Sections 11731.2 and 11731.4 in scheduling a pre-election hearing, we find that he was in error. Under the overall circumstances of this case, however, we find that this was harmless error because the Union has not shown that it was prejudiced by proceeding to the hearing. Accordingly, we deny the appeal without prejudice to the parties' right to reopen the record once the unfair labor practice charges have been resolved.

WILMA B. LIEBMAN, CHAIRMAN

PETER C. SCHAUMBER, MEMBER

MARK GASTON PEARCE, MEMBER

Dated, Washington, D.C., April 26, 2010.

¹ The Union filed a Motion to Stay the Pre-Election Hearing, which we have treated as a request for special permission to appeal.